

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of September, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Johnson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the August 9 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-097 amending the FY 2006 City Police Department Budget and transferring \$7,000 of previously appropriated funds to the Police Department for the purchase of replacement bullet proof vests, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-098 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$3,000, fully reimbursable, to provide for overtime to effectively carry out selective enforcement activities and investigations, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police – Training Academy, Resolution #R-05-099 appropriating \$120,000 to fund the Central Virginia Criminal Justice Training Academy's share of the cost to renovate the James T. Davis building, laid over from the August 9, 2005 meeting, was again presented and read, and on motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewers, Resolution #R-05-104 amending the FY 2006 Sewer Capital Projects Fund Budget and appropriating \$2,000,000, fully reimbursable, for additional Combined Sewer Overflow (CSO) Control Projects, laid over from the August 9, 2005 meeting, was again presented and

read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7  
Noes: 0

// In the matter of Community Planning – Historic District, City Council Report #6 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-105, as presented, amending the FY 2006 City/ Federal/State Aid Fund Budget and appropriating \$11,218, fully reimbursable, to fund a Certified Local government CAMP training workshop:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7  
Noes: 0

// Commissioner of Revenue Jay Russell, from Winchester, Virginia, presented Lynchburg Commissioner of Revenue Mitch Nuckles with a Master Commissioner of the Revenue certificate. Commissioner Nuckles presented Vivian Brown, a member of his staff, with a Master Deputy Commissioner of the Revenue certificate.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #7 regarding a request from the Lynchburg Redevelopment and Housing Authority for the adoption of the Tinbridge Hill Conservation Plan. Ed McCann, Executive Director, Lynchburg Redevelopment and Housing Authority, presented an overview regarding the request. Laura Duprey, Executive Director, Lynchburg Neighborhood Development Foundation, and Aubrey Barbour, President, Tinbridge Hill Neighborhood Council, spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-106, as presented, adopting the Tinbridge Hill Conservation Plan prepared by the Lynchburg Redevelopment and Housing Authority, dated December 31, 2004:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7  
Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #8 outlining the petition of Clarion Investments, LLC to rezone approximately 5.3 acres located at 2639 Lakeside Drive from B-3, Community Business District, and R-4, Medium-High Density Multi-Family Residential, to B-5C, General Business District (Conditional), to allow the construction of an automobile dealership, shop, parking and vehicle display area. City Planner Tom Martin provided a brief overview regarding the request. Maggie Cossman, Perkins & Orrison, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member

Helgeson, Council by the following recorded vote adopted Ordinance #0-05-107, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of City Code/Community Planning - Zoning, a public hearing was held regarding City Council Report #9 regarding the adopting of an Ordinance amending the following sections of the City Code:

- Section 35.1-11.2 – include the definition of “automobile graveyard;”
- Section 35.1-27 – regarding the repair of nonconforming billboards;
- Sections 35.1-11.8(d) and 35.1-56.1(a) -- amend the definition of a group home as related to homes for the aged, infirm or disabled;
- Section 24.1-45 -- allow the Agent of the Subdivision Ordinance to approve the vacation of interior subdivision lot lines by a deed; and
- Sections 21-61 and 21-68 -- dealing with inoperable motor vehicles.

City Planner Tom Martin provided a brief overview regarding each proposed amendment, explaining that most of the amendments are either required by or authority is given by revisions to the Code of Virginia. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-05-108, as presented, amending Lynchburg City Code Section 35.1-11.2 to include the definition of “automobile graveyard”:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-05-109, as presented, amending Lynchburg City Code Section 35.1-27 regarding the repair of nonconforming billboards:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-05-110, as presented, amending Lynchburg City Code Sections 35.1-11.8(d) and 35.1-56.1(a) to amend the definition of a group home as related to homes for the aged, infirm or disabled:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-05-111, as presented, amending Lynchburg City Code Section 24.1-45 to allow the Agent of the Subdivision Ordinance to approve the vacation of interior subdivision lot lines by a deed:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-112, as presented, amending Lynchburg City Code Sections 21-61 and 21-68 dealing with inoperable motor vehicles:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Hutcherson

6

Noes: Seiffert

1

// In the matter of Recreation - General, a public hearing was held regarding City Council Report #10 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for the master planning and improvement of historical Riverside Park. Lynchburg Parks and Recreation Director Kay Frazier provided a brief overview regarding the request. Three individuals spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-113, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for the master planning and improvement of historic Riverside Park:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #11 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design of a new downtown Riverwalk and restoration of the historic railroad tunnel. City Planner Tom Martin provided a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-114, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design of a new downtown Riverwalk and restoration of the historic railroad tunnel:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #12 regarding the endorsement of a Resolution in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design and construction improvements to Main Street in Downtown Lynchburg. Lynn Cunningham, representing Lynch's Landing, provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-05-115, as presented, in support of a Virginia Department of Transportation Enhancement Program, TEA-21 grant application for design and construction improvements to Main Street in Downtown Lynchburg:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #13 regarding the adoption of an ordinance vacating 0.107 acre of public right -of-way located off Old Graves Mill Road. Steve Lawson, Real Estate Manager, provided an overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-05-116, as presented, vacating 0.107 acre of public right-of-way located off Old Graves Mill Road:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-05-117, as presented, authorizing a deed be executed to convey to James A. Scott & Son, Inc., the City's interest in the vacated 0.107 acre of public right-of-way located off Old Graves Mill Road in exchange of right-of-way acquisition to the Old Graves Mill Road Realignment and Extension:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Budget 2006, a public hearing was held regarding City Council Report #14 regarding amending the FY 2006 Operating Budgets for the General, Water, Sewer, Solid Waste, Fleet, Asset Forfeiture, Self-Insurance, Regional Juvenile Detention Center, Technology, City/Federal/State Aid, E-911 Special Revenue, Comprehensive Services Act, City Capital Projects, Schools Capital Projects, Water Capital Projects, and Sewer Capital Projects Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2005, to appropriate funds for grants, and other necessary expenditures since the FY 2006 budget was adopted. Assistant Director of Financial Services Donna Witt presented a brief overview regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-118, as presented, amending the FY 2006 Operating Budgets for the General, Water, Sewer, Solid Waste, Fleet, Asset Forfeiture, Self-Insurance, Regional Juvenile Detention Center, Technology, City/Federal/State Aid, E-911 Special Revenue, Comprehensive Services Act, City Capital Projects, Schools Capital Projects, Water Capital Projects, and Sewer Capital Projects Funds to reflect the carry forward of appropriations for ongoing activities that were not expended in FY 2005, to appropriate funds for grants, and other necessary expenditures since the FY 2006 budget was adopted:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

7

Noes:

0

// In the matter of Central Virginia Community Services, City Council Report #15 regarding authorizing the Central Virginia Community Services Board to serve as its own fiscal agent to receive state and federal

funding directly from the Department of Mental Health, Mental Retardation, and Substance Abuse was considered. Council Member Gillette stated that he has a contractual relationship with the Central Virginia Community Services Board of less than \$10,000, that the action that is being requested will in no way impact his business, and that he believes that he is able to participate and vote on this matter fairly, objectively and in the public interest. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-119, as presented, authorizing the Central Virginia Community Services Board to serve as its own fiscal agent to receive state and federal funding directly from the Department of Mental Health, Mental Retardation, and Substance Abuse:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance – General – City Code, City Council Report #16 was considered. Assistant Director of Financial Services Donna Witt presented a brief overview regarding the request. On motion of Vice Mayor Foster, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-120, as presented, amending the FY 2006 General Fund Operating Budget and appropriating \$25,953, with resources of \$25,953 from the FY 2006 General Fund Reserve for Contingencies, for a refund request for unused cigarette stamps from S & M Brands, Inc., that were purchased in 2003:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-121, as presented, amending and reenacting Section 36-203 of the City Code relating to the refund of cigarette stamps:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Margaret Schewel urged support of the Hurricane Katrina's relief efforts and asked that the City consider "adopting a City" in Louisiana. Ms. Schewel informed of a local community in Louisiana that is seeking assistance in taking care of the needs of 8,000 individuals displaced by the hurricane. City Manager Kimball Payne explained that staff has been discussing various options to assist the relief efforts, including the "adopt a city" approach. Mr. Payne also noted that Virginia might also be receiving a large number of individuals displaced by the hurricane.

// On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel or a briefing by staff concerning potential litigation pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 10:35 P.M.

---

Clerk of Council